

JOURNAL.

HOUSE OF REPRESENTATIVES, }
Monday, January 21, 1861. }

In pursuance to a proclamation of the Governor, dated December 17, 1860, the House of Representatives of the State of Texas met in extraordinary session, and was called to order by the Hon. M. D. K. Taylor, Speaker. Roll called, and the following Representatives answered to their names, to wit:

Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benavides, Billingsly, Bogart, Branch, Buckley, Caddell, Camp, Crooks, Crumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Haynes, Henry, Houghton, Hubbard, Hu-beet, Lynch, Maverick, Middleton, Mills, Mundine, Munson, Navarro, Norton, Owens, Parker, Perry, Redgate, Redwine, Robinson, Ross, Shannon, Shelton, Stewart, Taylor, Wælder, Walworth, Warfield, Whitmore, Wortham, and Wrede.

The Speaker arose and said:

Gentlemen of the Eighth Legislature:

We are here in obedience to the proclamation of the Governor, and we should feel thankful to the Giver of all Good that so many of us have been permitted to return to our post of duty. We have to mourn the loss of one of our members. Joseph H. Barnard, the member from Goliad, has paid the debt of Nature. Those of us who were intimate with him, and knew his condition, were prepared to hear that he was no more. In him we have lost a good man, a soldier, and a patriot.

With our officers we have been less fortunate. Two of them have gone to that repose from whence no one has ever returned;

Mr. Coney, the Engrossing Clerk, and Mr. Weeks, the Reporter. These events should admonish us that we, too, are but passers to the grave, and should govern ourselves accordingly.

Fellow members, we have been convened under most extraordinary circumstances. The time has arrived when it becomes necessary to consider a change of government. This necessity has not been caused by us, or our section, but it has been forced upon us by a sectional party in the government, and on them must fall the consequences. They have torn and mangled that constitution and government given to us by our revolutionary fathers, and it now lies bleeding at their unholy feet.

A religious fanaticism has brought about the present state of things, and we are now to consider the remedy. True it is that we, as a legislative assembly, cannot change the organic law of the State; but it is our duty to recommend to the people a course of action, who, alone, can change or amend, the organic law. And, gentlemen, this is a most important trust, and one that we should well consider before taking action. We should not let the excitement around us get the upper hand of our better judgment, that we may thereby commit an act hereafter to be regretted. We should approach this important subject calmly, and with an eye alone to the common welfare of the people.

This matter involves not only the present but the future; not only the present population, but perhaps millions yet unborn. Then, let us use our every effort to insure harmony of action: do not let us become wrangling, criminary and recriminary among ourselves; for if we do, our efforts will most likely prove abortive. I beseech you, in the name of a free people, whose very liberties are endangered, to heed my admonitions, and be conciliatory; one toward another. To err is human. It is not expected that we should all come up with one opinion upon any given question; but, by moderation and respect for others' opinions, we may harmonize upon that recommendation which will be most likely to promote the peace and happiness of the people in this our time of trouble. And that my position may not be misunderstood, I have this to say for myself, and those I represent, that, should your determination be to recommend resistance to the wrongs we bear, as well as those in store for us, then we are ready to endorse that recommendation; and should it become necessary, in the maintenance of the inalienable rights of man, to repel force by force, then we are ready to bear our part: but, upon the other hand, if the result should be unreserved submission to the ills we bear, and to the administration

of a man who, if found in the State, would, by the laws governing, and of your own make, be incarcerated in the penitentiary for a term of years, a gloom would be cast over those I represent, and, for myself, I shall submit, because it will be my duty so to do: but when my duties have come to a close in this hall, I shall, with a heavy heart, return to my quiet home, near the still waters of Caddo Lake, and there, with my family around me, mourn the loss of an equality in the government which was bequeathed to me by a revolutionary ancestry; and ere long, in the natural course of events, should my oppressors permit me a grave, go down to it in sorrow for the errors of my once devoted country.

Mr. Foscue presented the petition of sundry citizens of Kaufman county, which was read, and referred to Judiciary Committee.

Mr. Flewellen offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire, whether or not any member of the present Legislature is disqualified by the Constitution or Laws of this State from sitting as a member, and that they report to-morrow morning.—
Adopted.

Mr. Shannon offered the following resolution:

Resolved, That a select committee of five be appointed to take into consideration the subject of our frontier difficulties, and present to the Legislature a plan for its defence. Adopted.

On motion of Mr. Dickson, a committee of three was appointed to inform the Senate that the House was organized. Speaker appointed Messrs. Dickson, Dale, and Harrison of V. Z., said committee.

On motion of Mr. Branch, a committee of three was appointed to wait on the Governor, and apprise him that the House was organized, and ready to receive any communication from him. The Speaker appointed Messrs. Branch, Redgate and Foscue said committee.

A message was received from the Senate, informing the House that the Senate had organized and were ready to proceed to business.

Mr. Munson offered the following resolution:

Resolved, That the Governor of this State be requested to transmit, on to-morrow, copies of the correspondence between his Excellency and the Governors of the Southern States, if any, growing out of the Joint Resolution upon Kansas affairs, approved February 16, 1858. Laid over one day for consideration.

On motion of Mr. Hubbard, the rule was suspended, the resolution taken up, and adopted.

On motion of Mr. Mills, the House went into election for First Assistant and Engrossing Clerks, to fill vacancies occasioned by the absence of T. M. Bowers and death of Charles Coney. Nominations for First Assistant Clerk being in order,

Mr. Baxter nominated Mr. R. S. Bacon, and

Mr. Munson — Dinkins.

The Speaker appointed Messrs. Flewelling, Middleton, and Hall, tellers.

On counting the votes, it appeared that Mr. Bacon had received thirty-eight votes, Mr. Dinkins twenty-one votes, and Mr. Hollingsworth one vote. Mr. Bacon having received the majority of the votes cast, was declared by the Speaker duly elected First Assistant Clerk.

The committee appointed to wait on the Governor, reported, that they had waited on his Excellency, and that he had informed them that he would lay his communications before the Senate and House of Representatives, in joint session, on to-morrow, at 12 o'clock, M., orally.

Nominations for Engrossing Clerk being in order,

Mr. Darnell nominated Mr. Johnson;

“ Wortham “ “ Houghton; and

“ Dickson “ “ Ormsby.

Upon telling the vote, it appeared that Mr. Ormsby had received forty-three votes; Mr. Houghton ten votes; Mr. Johnson six votes; and Mr. Logan one vote. Mr. Ormsby having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

Mr. Bogart moved to add Mr. Henry to the Committee on Federal Relations.

A message was received from the Senate, informing the House that the Senate had appointed Senators Hart, Martin and Miller a committee to act with a like committee on the part of the House, to wait upon his Excellency and inform him that the Legislature had organized, and was ready to receive any communication from him.

Mr. Bogart withdrew his motion.

On motion, the House adjourned until ten o'clock, to-morrow.